Response to Comment S6-146

See responses to Comments G3-62, G3-82, and R1-128.

Response to Comment S6-147

See response to Comment G6-38.

Response to Comment S6-148

Preliminary data collected on Class II BACI sites indicate that results from different sites can vary rather substantially (see AHCP/CCAA Appendix C, Section 5.2). At some sites, the water temperature shows a statistically significant increase following timber harvest while in others there was a significant decrease. However, the magnitude of the effect was generally only about 1.0°C during the warmest 7-day period, so the statistically significant changes were not likely to be biologically significant. Since the water temperature change can be both positive and negative, the net effect in the watershed may be essentially neutral. The Services believe the one-third standard is adequate since it means the remaining sites within a watershed may show no change or have a decrease in water temperature.

The choice of three successive years to trigger a red light threshold was selected in light of the fact that, under Green Diamond's Operating Conservation Program, a single year can trigger a yellow light threshold. Green Diamond designed the yellow versus red light threshold approach, with input from the Services, to insure that even minor or short-term negative indicators are investigated, and addressed if necessary, but adjustments to the conservation strategy are not mandated until there is certainty that

2. The red light threshold in Class I and II watercourses with drainage areas generally less than 10,000 acres is:

   a. A 7DMAVG water temperature above the upper 95% PI plus one °C, as described by the regression equation: Water Temperature =15.35141+ 0.03066461 x square root Watershed Area;

   b. An absolute water temperature of 17.4 ° C (relevant for fish); or

   c. A 7DMAVG water temperature that triggers a yellow light for three successive years.

S6-146 Since the temperature goal of the AHCP is to maintain water temperatures consistent with requirements of individual species, the temperature thresholds should be set with species requirements as the first priority. Maintaining data points within in the original regression relationship could be a secondary goal. Yellow-light 7DMAVG thresholds of 16.8°C for fish and 15°C for amphibian habitat seems most appropriate for take minimization.

S6-147 Where the role of timber management cannot be ruled-out, those drainages currently exceeding yellow-light or red-light thresholds should have higher canopy standards or limitations on RMZ harvest entries upstream within the same sub-basin. These measures should continue until it can be determined that either a) temperatures have returned to below threshold levels, or b) timber management activities are not having a significant influence on water temperatures at those points.

6.2.5.5.2 Class II BACI Water Temperature Monitoring

The yellow light threshold/trigger for Class II BACI Water temperature monitoring is the determination of one or more statistically significant effects from harvesting in at least one-third of the treatment sites. The red light threshold is the determination of one or more statistically significant effects from harvesting in three ~~successive~~ years in at least one-third of the treatment sites.

S6-148 Why one-third of the treatment sites…why not one-fourth to further reduce the extent of potentially impacted areas? It is not clear why effects would have to be demonstrated for successive years. Interior sites, in particular, may be subject to greater fluctuations in high temperatures between years. The risk posed to Covered Species would be appreciable with any three years of statistically significant effects out of five years of monitoring. Under the red-light scenario, what area would be under consideration for adaptive management adjustments? Would the area of RMZ protection adjustment be any future harvest units within the sub-basin? What level of significance would qualify as statistically significant?

6.2.5.5.3 Tailed Frog Monitoring

Yellow and red light thresholds have been established for Tailed Frog Monitoring and are as follows:

1. The yellow light threshold is:

a problem exists.

By convention, statistical significance is generally set at $P<0.05$. Green Diamond will follow this convention, unless in a particular line of research, some other standard is used in the majority of peer-reviewed published studies.

Response to Comment S6-149

Data collected on larval tailed frog populations indicate rather substantial annual fluctuations in streams that have not been subjected to any recent timber harvesting activity (see AHCP/CCAA Appendix C, Section 11.3). During the development of the red light threshold for tailed frog monitoring, the Services were concerned that these substantial natural fluctuations could result in numerous false statistical positives. To compensate for this possibility, Green Diamond proposed what appears to be a rather high standard in AHCP/CCAA Section 6.2.3.5.3 to trigger a red light threshold. The Services anticipate that most of the apparent statistical declines will not actually result from implementation of the covered activities in the Plan Area. The occurrence of substantial annual fluctuations in streams that have not been subjected to any recent timber harvesting activity was recognized as a weakness in the tailed frog monitoring program, and in 2001, Green Diamond initiated a graduate study through Humboldt State University to help understand the biological basis for these annual fluctuations. Utilizing the adaptive nature of the monitoring program, data from this graduate study will be used to help refine the tailed frog monitoring program as appropriate over time.

Response to Comment S6-150

The term “sub-population” as it is used in reference to southern torrent salamanders, is defined in AHCP/CCAA Appendix D, Section 1.6, where the full details of the Southern Torrent Salamander monitoring protocol are described.

Response to Comment S6-151

a. Any statistically significant decrease in the larval populations of treatment streams relative to control streams, or

b. A statistically significant downward trend in both treatment and control streams.

2. The red light threshold is:

a. A statistically significant decline in larval populations in treatment streams relative to control streams in **> 30%** ~~>50%~~ of the monitored sub-basins in a single year;

S6-149

We do not believe a significant decline in larval populations in treatment streams in over half of the monitored sub-basins meets the required "impact minimization" standard of an HCP.

b. A statistically significant decline in treatment vs. control sites continuing over a three year period within a single sub-basin or,

c. A statistically significant downward trend in both treatment and control streams that continues for three years or more.

What level of significance would qualify as statistically significant?

6.2.5.5.4 Southern Torrent Salamander Monitoring

Yellow and red light thresholds have been established for Southern Torrent Salamander Monitoring and are as follows:

1. The yellow light threshold is:

a. Any extinction of a sub-population, or

S6-150

The specific meaning of the term “sub-population” in this context should be made clear at this point. Without any qualification, extinction of a sub-population would appear to “reduce the likelihood of survival and recovery”.

b. An apparent decline in the average index of sub-population size in treatment sites compared to control sites.

2. The red light threshold is:

a. A statistically significant increase in the extinction of treatment sub-populations relative to control streams, or

b. A significant increase in the net rate of extinctions over the landscapes.

S6-151

What level of significance would qualify as statistically significant?

6.2.5.5.5 Other Rapid Response and Response Monitoring Projects and Programs

As noted in the response to Comment S6-148, statistical significance is generally set at $P<0.05$. This convention will be utilized unless in a particular line of research, some other standard is used in the majority of peer-reviewed published studies.

Response to Comment S6-152

CDFG's questions relate to relatively new monitoring protocols that deal with a variety of complex systems for which little existing data are available. The thresholds for the monitoring projects will be based on the best available data, and will be adjusted, as necessary, in accordance with new data, including those generated both within and outside the Plan Area.

Response to Comment S6-153

The Service's are unaware of any scientific reason for Green Diamond's choice of 12 sites as the cut-off.

Response to Comment S6-154

In addition to the response variable that will target each monitoring project, Green Diamond will be collecting data on other variables that may explain changes to the response variable. The other covariates that Green Diamond will be collecting data on are yet to be determined, and at the discretion of Green Diamond.

Response to Comment S6-155

See Master Response 1, Master Response 8, and the response to Comments G3-62, G3-82, and R1-128.

Response to Comment S6-156

The decision-making process is outlined in the Plan and the IA . Compliance will be enforced as discussed in Master Response 14. Because approval of the Plan and issuance of the Permits has no affect on Green Diamond's independent obligations to comply

Yellow and red light thresholds will be established for Spawning Substrate Permeability Monitoring, Road-related Sediment Delivery (Turbidity) Monitoring, Class I Channel Monitoring, and Class III Sediment Monitoring as follows.

1. The thresholds will be established based on data collected from reference sites, either within stream reaches within the Plan Area that have been demonstrated to support stable populations of the Covered Species of interest, or reaches in which the habitat conditions have been shown to be within the range of good conditions based on studies done outside the Plan Area.

S6-152 What constitutes stable populations in this context? How will it be determined that the levels of any one of the above-mentioned factors is appropriate for the Covered Species within the reference reaches? What if the reach considered to be a reference reach for that factor has other characteristics that allow for stable populations regardless of less than optimum levels of any or most of the monitored factors?

2. If the list of potential reference sites is greater than 12, a spatially distributed randomized sample of sites will be chosen for monitoring; if the list of reference sites is 12 or less, then all reference sites will be monitored. How were 12 sites determined as the cut-off?

S6-153

3. While the reference site data are being collected, Simpson will collect data on a variety of potentially explanatory covariates that may reduce the natural variation observed in the response variable. What is meant by "collect data on a variety of potentially explanatory covariates"?

S6-154

4. Prior to setting the thresholds for a program, an appropriate statistical analysis will be conducted to remove the effects of any relevant environmental covariates, and the 95% confidence or prediction interval will be calculated. Depending on the response variable of interest, either the lower or upper 95% confidence or prediction interval endpoint in any given year will be used to trigger the yellow light threshold. Depending on the temporal correlation of the response variable, three to five years of a yellow light condition will trigger a red light threshold, or one year exceedence of the 99% confidence interval endpoint.

S6-155 This approach uses an average of existing conditions over the plan area to establish action thresholds. Using maintenance of current conditions, which are already impacted, as the target does not ensure that the incidental taking will not "appreciably reduce the likelihood of recovery" of listed species.

5. Thresholds for Spawning Substrate Permeability Monitoring and Road-related Sediment Delivery will be established within five years of the date that each is fully operational; thresholds for Class I Channel Monitoring and Class III Sediment Delivery Monitoring will be established within ten years of the date that each is fully operational.

S6-156 Decisions regarding appropriate reference sites, Yellow and Red-light thresholds, and the range of adaptive management options should be made through consultation with

with State law or otherwise applicable legal requirements, such actions will have no affect on the timing or circumstances under which Green Diamond would seek technical assistance from CDFG pursuant to the THP process. “Fully operational” refers to the three-year phase-in period in which the monitoring projects and programs are to be up and running.

Response to Comment S6-157

Comment noted.

Response to Comment S6-158

Green Diamond will be responsible for implementing any changes to conservation measures. Any changes made to prescriptions as a result of Adaptive Management will be done through a meeting with the Services and memorialized with a letter to the Services' file that will be copied and distributed to the appropriate State agencies. In addition, see AHCP/CCAA Section 6.2.7.

Response to Comment S6-159

See response to Comment S6-158.

Response to Comment S6-160

The Services believe that the scientific panel and agency review process, as stated in the AHCP/CCAA, is adequate. Regarding the respective roles of the Permit applicant and the Services in the development of an HCP, see the response to Comment S6-157. The Services believe that, as a whole, Green Diamond's Operating Conservation Program meets the ESA Section 10 Permit approval criteria discussed in AHCP/CCAA Section 1.4.1, EIS Section 1.3 and Master Response 8.

Response to Comment S6-161

The responsibility of the scientific review panel is stated in item 4(a) of AHCP/CCAA Section 6.2.6.1.2. The Services believe that placement of a review time frame, method of reimbursement, and a description of how final decisions are made is premature at this

S6-156 the Services and with DFG, if any applicable state approval is sought. What qualifies as "fully operational"?

6.2.5.6 Phase-in Period for Effectiveness Monitoring

Except as noted herein, the monitoring projects and programs are continuations and expansions of the studies described in Section 4.3 of this Plan. The exceptions are 6.2.5.1.3, 6.2.5.1.4, 6.2.5.3.1, 6.2.5.3.8, and those portions of 6.2.5.4 not tied to other Effectiveness Monitoring studies. Continuations and expansions of existing projects and programs will be implemented in their identified time lines as of the effective date of the Permits. Design and implementation of the other projects and programs (6.2.5.1.3, 6.2.5.1.4, 6.2.5.3.1, 6.2.5.3.8, and portions of 6.2.5.4) will occur in phases during Plan implementation. Excluding those aspects of the Experimental Watersheds Program that will be developed in response to monitoring results, all Effectiveness Monitoring projects and programs will be ready for implementation by the end of the third year following the effective date of the Permits.

6.2.6 Adaptive Management Measures

S6-157 One major concern regarding adaptive management measures relates to the need for adequate time to test the default prescriptions. Adjustments which reduce the initial levels of protection (RMZ widths and prescriptions, including SSS measures), should not be made until the initial default prescriptions have been adequately tested throughout the plan area.

S6-158 Also, there is concern that changes to conservation measures in some areas and not others will make it confusing for those people charged with implementation and for regulatory agencies to track.

S6-159 How will this information be distributed so that all are aware of any changes?

S6-160 If Simpson, the Services, and the scientific review panel determine that adjustments to the initial default prescriptions can be made, these proposed changes should undergo a review period with public and reviewing agency comment.

S6-161 Each time a scientific review panel is specified in this section the scope of responsibility, the review time frame, the method of payment or re-imbursement, and how final decisions will be made should be disclosed.

Simpson will initiate reviews and implement adaptive management measures in response to the triggers and within the range of changes identified within this subsection. Simpson also will establish an Adaptive Management Reserve Account (AMRA) to fund adjustments over the term of the Plan and Permits. No adaptive management change will be made unless there is a sufficient balance in the AMRA to make the change.

S6-162 What would these reviews entail, who would participate, and how soon would they be initiated and who would decide what adaptive management measures would be appropriate?

time and could unnecessarily constrain the parties to a process that may not be flexible enough to meet the needs of the situation.

Response to Comment S6-162

Regarding review, see AHCP/CCAA Section 6.2.6.1, which describes the process for triggering adaptive management. Regarding the AMRA, see Master Response 15.

Response to Comment S6-163

The Services believe that 30 days provides a reasonable amount of time for Green Diamond to complete an internal assessment and request technical assistance from the Services to determine the cause of an exceedence.

Response to Comment S6-164

AHCP/CCAA Section 6.2.7.5 describes the dispute resolution process. It is premature to describe which management changes could be needed for a given situation. See response to Comment S6-165.

If the red-light situation warrants an increase in protection measures or rate and degree of road fixes, then these changes should be made regardless of whether there was an underestimation of the acreage in the AMRA necessary to support changes. The applicant is to ensure that adequate funding is available for implementing the conservation plan. Under CESA, this would include funding for implementing measures required to fully mitigate and minimize the impacts of the authorized take.

S6-162

6.2.6.1 Adaptive Management Triggers

Simpson will institute the adaptive management process in the event of a yellow light threshold trigger, a red light threshold trigger, SSS trigger, or results from the experimental watersheds monitoring program that identify an appropriate change in the conservation measures.

6.2.6.1.1 Yellow Light Threshold Trigger

When a yellow light threshold for Rapid Response or Response Monitoring is exceeded, the following will occur:

1. Exceedence of a yellow light threshold will trigger an internal assessment to determine the cause of the exceedence.

2. Simpson will design the internal assessment to identify the cause behind the yellow light condition, its relationship to management activities, and what, if any, changes to management are appropriate. Simpson will use all available information to make this determination, including results from other monitoring sites throughout the Plan Area, and results from other monitoring projects where applicable.

3. Simpson will notify NMFS and USFWS within **15** ~~30~~ days after the analysis indicates that any yellow light threshold has been exceeded. Simpson will request the technical assistance of NMFS and USFWS in determining the cause of the exceedence. All available information will be used to make this determination.

S6-163

Aside from assembling and verifying the data, why would it be necessary to wait 30 days before notifying the services?

4. Any and all management changes resulting from the yellow light threshold must be made with the concurrence of the Services and a management change will only be made to the extent of the availability of a balance in the AMRA.

It is not clear what would happen if Simpson and the Services cannot agree with the design of the internal assessment, the findings of the internal assessment and/or what action should be taken. Who would make the final decisions in these events? Also, what exactly does a "management change" entail?

S6-164

5. The procedures followed, conclusions reached, and any changes in management undertaken to address a yellow light condition will be documented in a report to the Services.

Response to Comment S6-165

The Services believe that the steps #1 and #2 are adequate to develop interim changes in the Operating Conservation Program while a full assessment is conducted to determine the causes of the exceedence. As stated in #2, the Services will be involved in the identification of interim changes pending full assessment of the causes of the exceedence.

Response to Comment S6-166

See the response to Comment S6-161. The Services are not aware of, and the commenter has not provided, an explanation of the effect of the proposed change on the Plan's ability to meet the Permit issuance criteria.

6.2.6.1.2 Red Light Threshold Trigger

The implication behind a red light situation is that some monitored condition has moved into a range that constitutes a serious risk of impact on the Covered Species. A further implication is that any activities that may be contributing to the situation will be halted or, at least, curtailed. What provisions are made for reducing the risk while the situation is under consideration?

When a red light threshold for Rapid Response or Response Monitoring is exceeded, the following will occur:

1. In the event that a red light threshold is exceeded, Simpson will notify the Services within **15** ~~30~~ days of that determination.

S6-165

Red light situations are critical situations for the resources at risk and so should be addressed as quickly as possible. Months could pass while meeting dates are determined and before a course of action can be agreed upon.

2. Simpson **will** ~~endeavor to~~ obtain input from the Services regarding identification of any feasible interim changes in the Operating Conservation Program in the area in which the red light threshold is exceeded that could be made by Simpson to avoid management-caused exacerbation of the red light condition pending a full assessment of the causes of the exceedence.

The Services have an essential role in ensuring that the aquatic resources covered by this HCP are fully protected.

3. An in-depth assessment with the full participation of the Services will be conducted to determine the likely causes of the red light threshold condition, and appropriate management changes to address the issue.

4. A scientific review panel which consists of independent experts on the subject at hand will be assembled at the request of either party **within 14 days** if Simpson and the Services cannot agree on the course of action to address the red light condition,

S6-166

To ensure expediency, a list of potential panel members should be developed upon approval of the AHCP. The means of payment for time and expenses should be spelled out here.

a. The role of the panel will be to provide technical analysis of the data and any other available information to the extent it is relevant to the conservation of the Covered Species in the Plan Area.

b. The panel will attempt to reach conclusions on whether the exceedence of the red light threshold was management induced **and present their findings to Simpson and the Services within 30 days of their first meeting**.

Response to Comment S6-167

Comment noted. The Services feel that they will be able to provide expertise in the areas of concern.

Response to Comment S6-168

The Services feel that they have appropriate authority to make decisions regarding protection measures and the adaptive management program. See Master Response 14.

Response to Comment S6-169

See response to Comment S6-167.

c. The panel will have **a minimum of** three members, one appointed by the Services, one by Simpson, and a third selected by the first two panel members. **The panel will be comprised of a minimum of two qualified aquatic/fisheries biologists.**

S6-167 Fisheries biologists and biologists familiar with risks to amphibians are an important part of the panel as the risk to aquatic resources must be fully considered.

d. **The Services, with full consideration of input from Simpson staff and the scientific review panel, will determine whether the exceedence of the red light threshold was management induced and what adaptive management measures will be instituted.** Adaptive management changes will not be made unless the analysis is conclusive in the opinion of a majority of the scientific review panel; if the results are not conclusive, the monitoring will be extended for another five years and the monitoring protocol will be evaluated to insure that appropriate methodologies are being applied. **If deemed necessary, the Services will institute additional interim protection measures to insure that undo risk is not placed on the Covered Species during the period of analysis and continued monitoring.**

S6-168 It is appropriate for the Services, as the permitting agencies, to make final decisions regarding deficiencies of specific protection measures and the adaptive management necessary to maintain resource protection. The role of the review panel is to evaluate technical information and provide advice based on scientific information.

5. Just as the biological goals and objectives set forth in Section 6.1 guided the development of the prescriptions set forth in the Plan, Simpson will look to the applicable goals and objectives to guide the development of any changes to the prescriptions pursuant to a red light trigger, using the information gained from the monitoring and adaptive management processes.

6.2.6.1.3 SSS Triggers

If monitoring determines that the SSS default widths and slope gradients set by the SSS Delineation study need to be changed, the following will occur:

1. A scientific review panel will be convened to analyze the data gathered during the 15-year SSS Assessment.

a. The panel will have **a minimum of** three members, one appointed by the Services, one by the Simpson, and a third selected by the first two panel members. **The panel will be comprised of a minimum of two qualified aquatic/fisheries biologists.**

S6-169 Fisheries biologists and biologists familiar with risks to amphibians are an important part of the panel as the risk to aquatic resources must be fully considered.

Response to Comment S6-170

Reference stands provide an appropriate point of comparison for sediment delivery, and the Services believe that the Operating Conservation Program as a whole, including AHCP/CCAA Section 6.2.6.1.3, meets the ESA Permit issuance criteria discussed in Master Response 8. See the response to Comment S6-166, among many others, regarding the respective roles of Green Diamond and the Services in the HCP development and approval process.

Response to Comment S6-171

Resolution of different situations could benefit from different panel membership. Accordingly, consistent with the Plan, the Services and Green Diamond retain the right to select their respective panel participants on a situation-by-situation basis.

b. If the SMZ prescriptions are determined to be less than 70% effective at reducing management-related sediment delivery (by volume) from shallow landslides to the stream network compared to landslides in appropriate historical clearcut reference stands in the opinion of two of the three experts, then the default SSS prescriptions will be changed based on the data analysis to make these defaults 70% effective.

S6-170 [Minimizing sediment delivery from SSS slides compared to modern uncut second growth slides is more appropriate than comparison of sediment delivery within SSS areas to that of historical clear-cut reference areas.

6.2.6.1.4 Experimental Watersheds Program Triggers

S6-171 [Is there just one scientific review panel that is convened every time there is a need or does each new situation dictate another panel to be selected? It appears that some situations would require different panels.

The results of one or more designed experiments under the experimental watersheds program may indicate that a conservation measure could or should be modified. If Simpson believes that is the case, it will convene the scientific review panel to analyze the findings and recommend whether a change is warranted. An adaptive management change will not be made as the result of one or more experimental watershed program experiments unless the results conclusively suggest that a conservation measure should be changed.

6.2.6.2 Range of Adaptive Management Changes

Adaptive management changes that may be made in response to the triggering events identified in 6.2.6.1 are as follows.

1. RMZ widths and prescriptions may be changed to fall anywhere within the following range of options (up to the balance of the account): state forestry regulations applicable at the time the change is made (lower bound) to interim Northwest Forest Plan riparian measures (upper bound).

2. SSS default widths and slope gradients may be changed as a result of the SSS delineation study (6.2.5.3.2). Changes to the SSS default widths and slope gradients as a result of the initial mass wasting assessments are not subject to the AMRA.

3. SMZ default prescriptions may be changed after the 15-year SMZ assessment.

4. The following road management prescriptions may be changed:

   a. The rate of accelerated high and moderate priority sites within the first 15 years may be increased;

   b. Drainage structure prescriptions set forth in 6.2.3.6 may be changed; and

   c. Erosion control prescriptions set forth in 6.2.3.8 may be changed.

Response to Comment S6-172

See Master Response 15.

6.2.6.3 Adaptive Management Reserve Account

Simpson will establish the AMRA to fund the adjustments that may be made during the life of the Plan.

1. The AMRA will be charged with an opening balance of 1,550 Fully Stocked Acres (FSA), and the AMRA account balance will be factored in FSA throughout the term of the Plan and Permits. If the balance falls to zero through the debit process described below, then no more de bits will be made until the account is credited.

S6-172

It is not apparent how the initial 1,550 FSA balance of the AMRA will be sufficient to insure that adaptive management can be used effectively for the full term of the plan. This opening balance is less than 0.4% of the Initial Plan Area of 416,531 acres. How many acres are the initial default RMZs and SSS (RSMZ plus SMZ) zones combined? The opening balance should reflect both RMZ and SSS acreage since both are subject to modification.

Were example scenarios, similar to those given on page 6-170, including additional road work carried out for several years to confirm that the opening balance is sufficient to cover added protection determined to be necessary over 50 years? It has not been demonstrated that this opening balance ensures adequate funding is available for implementing measures required to minimize and mitigate the impacts of authorized take.

What if the rate of road work must be increased, can this balance cover road upgrades in addition to changes in other prescriptions? A separate Road Reserve Account seems more appropriate.

2. FSAs will be comprised of a stand with 42,000 board feet per acre (50-year stand with an index of 350 square feet of basal area) and a species composition of 50% redwood, 34% Douglas-fir, 10% white woods, and 6% hardwoods. The current California State Board of Equalization (SBE) Harvest Value Schedule will be used to translate FSA to equivalent specific road management plan prescriptions. The percentage of SBE harvest categories will be 60% cable yarding, 35% tractor, and 5% helicopter.

3. The AMRA will be used to accommodate changes in riparian protection measures from conclusive results of the monitoring program.

4. Any modification of the current riparian measures described in Section 6.3.1, areas included in SMZs, or specific road management plan prescriptions will be credited to or debited from the AMRA. Debits and credits will be reflected in the account on an on-going basis as the account acres are retained or harvested, and the account will be summarized biennially. The balance within the account will fluctuate proportionately to the addition and deletion of properties.

Response to Comment S6-173

The Services believe that the funding for road improvement is adequate to meet the needs of the AHCP/CCAA and that Green Diamond's Operating Conservation Program, as a whole, satisfies the ESA Permit issuance criteria discussed in Master Response 8. See the response to Comment S6-166, among many others, regarding the respective roles of Green Diamond and the Services in the HCP development and approval process.

5. Depletion of the AMRA balance by translating FSA to funds for road prescriptions is limited to 2% per year of the opening balance (i.e., the equivalent of 31 FSA). There is no limit on the annual use of the AMRA for RMZ or SMZ modifications.

S6-173

This cap on spending for road improvement places a restriction on the flexibility of the AMRA to accommodate increased needs for protection from road-related sediment delivery. Sediment delivery from roads has been demonstrated in several cases to be a major threat to aquatic habitats. DFG recommends this cap on road prescription spending be higher.

6.2.7 Implementation Monitoring Measures

6.2.7.1 Internal Plan Compliance Team

1. Simpson will form and maintain an internal compliance team consisting of a Plan Coordinator working in conjunction with Simpson's internal forestry, fisheries, wildlife, and geologic staff.

2. Simpson will staff the Plan Coordinator position with a person who is academically trained and experienced as a fisheries biologist/hydrologist or a fluvial geomorphologist.

3. Simpson will ensure that the Plan Coordinator reviews each proposed THP during its development, and informs the RPF preparing the THP on the appropriate status of watercourses in the THP area and the occurrence of any special restrictions and/or mitigations in the area (e.g., unstable slopes, inner gorges or CMZs). Simpson also will ensure that the RPF completes a pre-harvest checklist during THP development that covers all necessary compliance elements.

4. During THP development, if there is any uncertainty about the appropriate status of streams or the existence of special restriction/mitigation areas, Simpson will ensure that the Plan Coordinator directs the appropriate field personnel to do the appropriate field assessment/survey. When additional field expertise is called upon by the Plan Coordinator or RPF to delineate some special restriction/mitigation area, Simpson will ensure that the designated expert flag or otherwise designate the appropriate areas that will require special treatment/mitigation. When additional field expertise is not required, Simpson will ensure that the RFP preparing the THP or his/her designee flag the appropriate RMZs or other special mitigation areas in the field.

5. Following completion of a first draft of the THP, Simpson will assure that the Plan Coordinator reviews the THP for accuracy and completeness. For every THP within the Plan Area, the Plan Coordinator or compliance team members will prepare for internal use and maintain on file documentation indicating compliance with the Plan.

6. Following state review and approval of the THP, Simpson will direct the RPF to insure that the THP is actually implemented as written, and to fill out a THP post-

Response to Comment S6-174

The Services are satisfied with the reporting program as stated.

harvest completion form documenting compliance of the THP with the provisions of the Plan, and to submit the form to the Plan Coordinator. Simpson will direct the Plan Coordinator to review the form to insure compliance.

6.2.7.2 THP Notice of Filing and THP Area Map

At the time of submitting any proposed THP within the Plan Area to CDF, Simpson will provide an Informational copy of the THP notice of filing and a map of the THP area to the Services.

6.2.7.3 Annual ~~Biennial~~ Reports

S6-174

Simpson will prepare and submit an **annual** ~~biennial~~ report to the Services on March 1 following the first full year after the effective date of the Plan and every ~~two~~ years thereafter during the term of the Plan. These reports will summarize compliance with the Operating Conservation Program, the results of the Effectiveness Monitoring Measures set forth in 6.2.5, and any scheduled field reviews (as provided in 6.2.7.4) conducted in the period since the last report. **Summary data and a discussion of the results from the start of monitoring to present for each Effectiveness Monitoring project/program for which data was actively collected within the year will be included in the report.** The post-harvest completion forms described in 6.2.7.1 will be part of the biennial report to t he Services.

There must be sufficient information about the monitoring results and a discussion so there can be meaningful dialog between Simpson and the Services about how the monitoring is progressing and whether any adjustments are necessary.

Annual reports are more effective for keeping everyone concerned apprized of the work in progress and would allow for adjustments to be made early in the program. At some point the reporting may become biennial, but not for the first 10 to 15 years.

6.2.7.4 Scheduled Reviews

Simpson will schedule annual meetings with the Services for the first five years of the Plan as described in the IA. In the second and fourth years, the annual meeting will be followed with a field review of implemented conservation measures to allow technical evaluation of conservation measure implementation. **The locations for field review will be determined by the Services with input by Simpson.** In the event that the Services determine as the result of a field review that the conservation measures are not being implemented in accordance with this Operating Conservation Program, then recommendations will be developed with the Services regarding implementation and additional field reviews may be scheduled.

6.2.7.5 Dispute Resolution

Simpson and the Services recognize that reasonable differences of opinion may arise from time to time regarding implementation of various elements of the Operating Conservation Program. Should a dispute arise at the technical level, either of the Services or Simpson will have the option of calling a meeting to discuss and attempt to

Response to Comment S6-175

Approval of the Plan and issuance of the Permits has no affect on Green Diamond's independent obligations to comply with State law and otherwise applicable legal requirements including any otherwise applicable requirement that Green Diamond apply for and obtain CDFG Permit authorization to conduct activities in the Plan Area.

resolve the issues at that level. If the Services call a meeting under this provision, Simpson would arrange to meet within one month of receiving such notice. Should it be necessary to resolve the issues at a policy level following an initial meeting at the technical level, Simpson would arrange to meet at the policy level within one month of receiving a request. Simpson would have the right to request meetings for the same purpose and the Services' commitment to engage in this process will be incorporated in the dispute resolution provisions in the IA. The Service's participation in this process would be in the nature of providing technical assistance. Simpson's and the Services' rights and obligations regarding informal dispute resolution and matters that could be addressed in such a process would remain as provided in the IA.

6.2.8 Special Project

6.2.8.1 Transport of Anadromous Salmonids around Barriers

Simpson will undertake one project in the Plan Area involving the trapping and transportation of coho salmon that are native to the stream system around a barrier during spawning season for a ten-year period. Prior to undertaking the project, Simpson will evaluate the selected stream to determine that salmonids residing in the basin above the barrier will not be adversely affected by the project. The translocation project will include monitoring of subsequent spawning, utilization of the summer rearing habitat by the juvenile fish, and out-migrant trapping to document the number of smolts leaving the system. At the end of the ten-year period Simpson will review the effectiveness of the project. Additional projects in other areas, involving either coho salmon or other covered fish species, will be carried out as part of the Plan's conservation measures in Simpson's sole discretion after evaluating the initial project's success, subject to additional pre- project stream evaluations.

S6-175 A trapping and take permit and CEQA compliance must be obtained from DFG for any trapping and transportation of coho.

6.2.9 Measures for Changed Circumstances

Six ~~Five~~ types of changes are identified in the Plan as potential "changed circumstances" as defined in applicable federal regulations and policies:

1. Fire covering more than 1,000 acres within the Plan Area or more than 500 acres within a single watershed within the Plan Area, but covering 10,000 acres or less;

2. Complete blow-down of more than 150 feet of previously standing timber within an RMZ, measured along the length of the stream; but less than 900 feet of trees within an RMZ, due to a windstorm;

3. Loss of 51% or more of the total basal area within any SSS, headwall swale, or Tier B Class III watercourses as a result of Sudden Oak Death or stand treatment to control Sudden Oak Death;

4. Landslides that deliver more than 20,000 cubic yards and less than 100,000 cubic yards of sediment to a channel; and

5. Listing of a species that is not a Covered Species but is affected by the Covered Activities.

6. **A 100-year or greater recurrence interval storm event as determined by peak stream flows at appropriate gauging stations for drainages within any HPA.**

As described in this subsection, Simpson also has considered the potential for floods and earthquakes to have effects that would constitute "changed circumstances."

If changed circumstances occur, Simpson will implement supplemental prescriptions set forth in this subsection. In some cases, the conservation measures set forth in other parts of Section 6.2 are adequate to address changed circumstances. No supplemental prescriptions are included for those changed circumstances.

6.2.9.1 Fire

If during the term of the Permits, a fire covering less than 10,000 acres occurs in the Plan Area, Simpson may take all measures reasonably necessary to extinguish the fire, including measures that deviate from the other Section 6.2 measures. The strategy for responding to and suppressing forest fires is generally established by CDF, and Simpson may have little ability to influence such strategy. However, to the extent reasonably possible and where consistent with the primary goal of containing and extinguishing the fire, Simpson will encourage the development of a fire-response strategy that is consistent with the other Section 6.2 measures and that furthers rather than diminishes the functions that such measures have been designed to provide.

If the fire involves more than 1,000 acres within the Plan Area, or involves more than 500 acres within a single watershed within the Plan Area, Simpson will provide both Services with information regarding the fire within 30 days. Once such a fire is extinguished, unless such fire is an "unforeseen circumstance" (i.e., exceeds 10,000 acres in the Plan Area), Simpson will apply the following supplemental prescriptions on its fee-owned lands within the Plan Area:

1. Trees damaged or killed outright by fire, including those in riparian and stream side management zones, will be considered by Simpson for salvage. Removal of standing dead or damaged trees and downed trees will be conditioned by the application of the conservation standards in Section 6.2 regarding likely to recruit and salvage within RMZs. **No trees from the inner RMZ bands will be salvaged.**

2. Salvage of trees downed or dead by fire must comply with state law. In addition, the conduct of any salvage operations within an RMZ or SMZ will be done with reasonable care to minimize soil erosion, to retain structural features that contribute to bank or slope stability, and to retain standing dead trees that will contribute to the recruitment of LWD to watercourses within the area affected by the fire.

3. Reforestation of any RMZ or SMZ affected by the fire will be implemented as soon as reasonably possible.

6.2.9.2 Wind

Small-scale windthrow is not expected to have a long-term significant adverse impact on stream shading or water temperatures and will have the beneficial effect of introducing large woody debris into streams that currently lack this habitat-forming element. Thus, small-scale windthrow does not pose so substantial an impact as to threaten an adverse change in the status of any Covered Species, and may actually benefit aquatic species through natural modifications to stream habitat. Based on historical experience within the HPAs, a windstorm that results in a complete blow-down of 900 feet or more, measured along the length of the stream, of trees within an RMZ, is not reasonably foreseeable, and would be considered an unforeseen circumstance.

If a windstorm results in a complete blow-down of more than 150 feet of previously standing timber within an RMZ,**EEZ, or ELZ** measured along the length of the **watercourse** ~~stream~~, Simpson will provide both Services with information regarding such windthrow within 30 days of its discovery. With respect to such windthrow, unless the windstorm constitutes an "unforeseen circumstance" as defined above, Simpson will apply the following supplemental prescriptions within the Plan Area:

1. Other than trees that are downed or dead due to the wind, Simpson will not be allowed to remove more **standing** timber than it would have been allowed to remove under the other portions of Section 6.2 had no windthrow occurred in the stand, unless the Services determine that the removal of such additional timber would not materially reduce the functional benefit of such habitat for any Covered Species. **No standing or downed trees from the inner RMZ or RSMZ bands or channel zone within any EEZ or ELZ will be salvaged**

2. Salvage of trees downed or dead by wind must comply with state law. In addition, the conduct of any salvage operations within an RMZ, **RSMZ** or SMZ **EEZ, or ELZ** will be done with reasonable care to minimize soil erosion, to retain **trees** ~~structural features~~ that contribute to bank or slope stability, and to retain standing dead trees that will contribute to the recruitment of LWD to watercourses within the area affected by the windstorm.

3. Reforestation of any RMZ or SMZ affected by the windstorm will be implemented as soon as reasonably possible.

6.2.9.3 Earthquakes

The Plan Area is located in an area that is well known for frequent, but generally small, earthquakes. Earthquakes are quite common and are generally of a relatively insignificant magnitude, typically magnitude 2 to 3 on the Richter scale. Occasionally, greater magnitude events occur, but they are impossible to predict. In the forest environment, earthquakes of magnitude 6 or less on the Richter scale produce little, if any, visible change, and apparently no significant impact to wildlife or fishery habitat. It is possible that some trees have fallen as a result of earthquake activity, however fallen

Response to Comment S6-176

Although magnitude 6 earthquakes occur with sufficient frequency in the Plan Area, Green Diamond notes that it is unlikely that earthquake activity will substantially alter habitat status or require additional conservation or mitigation measures in excess of those included in the Plan. The Services agree with Green Diamond that substantial alteration of habitat status due to earthquake activity in the Plan Area is not reasonably foreseeable during the life of the Plan. Further, see the response to Comment S6-157 regarding the respective roles of the Permit applicant and the Services in the development of an HCP. The Services believe that Green Diamond's Operating Conservation Program, which includes AHCP/CCAA Section 6.2.9.3, meets ESA section 10(a) Permit issuance criteria (see Master Response 8).

Response to Comment S6-177

See response to Comment J1-80. The Services do not consider a 100-year flood event to be a reasonably foreseeable occurrence that would warrant supplemental prescriptions or additional monitoring. In the event that unforeseen circumstances occur, modifications to the Plan will be made only in accordance with the procedures set forth in the IA (AHCP/CCAA Section 6.2.10).

Response to Comment S6-178

See response to Comment J1-80.

trees in the forest are generally attributed to wind or landslide effects. Regardless of cause, fallen trees in the forest are not of so significant a number as to require additional mitigations and/or changes in the management scenario or restrictions outlined in this Plan. While it may be speculated that localized landslides or other earth movements resulted from these earthquakes, there are no data to document that this occurred within the Plan Area. Landslides caused by earthquakes are addressed separately in this "Changed Circumstances" subsection. Earthquakes of such magnitude (greater than magnitude 6 on the Richter scale) that may substantially alter habitat status or require additional conservation or mitigation measures in excess of those already included in the Plan, are not reasonably foreseeable during the life of the Plan, and would be considered "unforeseen circumstances."

S6-176 Magnitude 6 earthquakes occur with sufficient frequency to be considered foreseeable circumstances. DFG has noted discussions of earthquake frequency (recurrence intervals) for specific faults in some Simpson THPs within the plan area. It would appear as important to describe not only the magnitude, but also the duration and antecedent soil moisture conditions when describing the potential for earthquakes of a given magnitude to trigger mass wasting events.

6.2.9.4 Floods

Floods are a natural and necessary component of aquatic and riparian ecosystems but also can cause damage to forest transportation systems (e.g. watercourse crossings, bridges, roads) and forest stands. The frequency with which floods occur and their relative magnitude are inversely related. Large floods are infrequent while smaller floods can go unnoticed and may recur as often as once every year. Severe floods may occur once in 15 or even 100 years. A flood that is of lesser magnitude than a 100-year recurrence interval event (i.e., less than a 100-year flood) is part of the expected normal ecology of the forest. The conservation measures in the other portions of Section 6.2 **may or may not be** ~~are~~ adequate mitigation for such an event. Based on historical evidence in the Plan Area, a flood that is equal or greater in magnitude than a 100-year recurrence interval event is ~~not~~ reasonably foreseeable during the term of this Plan, and thus it would be considered a ~~n~~ "**changed** ~~unforeseen~~ circumstance."

S6-177 After a storm event meeting the 100-year peak streamflow, habitat and slope stability data should be collected in the affected drainage and summarized with subsequent consideration of whether specific conservation and mitigation measures need revision based on the response of the landscape to these flood events.

S6-178 Based on the probability equation presented by Dunne and Leopold (1978), there is a 39% chance of a 100 year flood occurring in the 50 year term of this AHCP. With this high probability of occurrence, this event is foreseeable and can be planned for. Currently, permanent watercourse crossings must be designed to accommodate flows and debris from a 100-year event. A 100-year flood is an expected part of forest and aquatic ecology. The unforeseen event would have less than 25% chance of occurrence in the next 50 years.

6.2.9.5 Pest or Pathogen Infestation

Response to Comment S6-179

The abbreviation “RF” used in AHCP/CCAA Section 6.2.9.5 was a typographical error that has been corrected: the correct abbreviation is “RG.”

Response to Comment S6-180

For HCPs, the selection of specific prescriptions, is a matter of the Permit applicant’s discretion (HCP Handbook at 3-19). The Services’ role during the development of the conservation program is to “be prepared to advise” and to judge its consistency with the ESA approval criteria as a whole once the application is complete (HCP Handbook at 3-6 and 3-7). The ESA does not require that any particular measure be adopted or imposed, but only that its criteria for Permit issuance be met. Issuance criteria have been discussed in EIS Section 1.3. The Services expect, based on the analysis provided in the Plan, and EIS, that implementation of the Operating Conservation Program would meet ESA requirements. See response to Comment G10-51, for example, regarding the selection of different or additional conservation measures.

Insects and diseases can usually be kept under control through careful forest management and proper treatments. Site quality and nutrient availability play a key role in forest health and vigor. Because much of the Plan Area is of high site quality, infestations are less likely to occur within the healthy forests that occupy these sites.

Infestations by generally recognized types of forest pests or pathogens are not be expected to have significant adverse effects on the Covered Species within the Plan Area, will be adequately addressed by the other measures in Section 6.2, and are not considered changed circumstances. A possible exception is the recently identified sudden oak death disease caused by Phytophthora ramorum. If 51 % or more of the total basal area within any SSS, headwall swale, or Tier B Class III watercourses is lost as a result of sudden oak death or stand treatment to control sudden oak death, on site review will be made by an RF and RPF to develop additional prescriptions to compensate for the loss of hardwood root strength through retention of additional conifers. An infestation of sudden oak death that crosses to redwood or other conifers or infestation by other pests that has significant effect on the forest ecosystem within the Plan Area are not reasonably foreseeable and would be considered an "unforeseen circumstance."

S6-179

What is an RF? Should this be a RG?

6.2.9.6 Landslides

Landslide rates and processes differ in the various geologic settings across the Plan Area. In the Coastal Klamath and Blue Creek HPAs, shallow rapid landslides are the most common kinds of landslides, whereas the upstream portions of the Mad River HPA are pervasively underlain by deep-seated landslides and earthflows. Still other HPAs are subject to both deep-seated landslides and shallow landslides. These different landscapes with their particular mass wasting processes present varying sensitivities to management activities. Conservation measures within this Plan were designed to address sediment and other habitat effects from past landslides, to take advantage of future naturally-occurring landslides, and through a combination of stream buffer prescriptions, land management restrictions, slope stability analyses, and stream monitoring, to avoid significant adverse impacts from management related landslides and mass wasting events in the future.

Based on historic experience within the Plan Area, a landslide that results in the delivery of more than 100,000 cubic yards of sediment is not reasonably foreseeable and is considered an unforeseen circumstance. If a landslide results in the delivery of more than 20,000 cubic yards of sediment to a channel (either from a source area or from combined source area and propagated volumes), Simpson will provide both Services with information regarding such landslide within 30 days of its discovery. What is the basis for these volume thresholds instead of significantly smaller volumes? With respect to such a landslide, and unless this landslide constitutes an "unforeseen circumstance", i.e. delivery of more than 100,000 cubic yards, Simpson and the Services will confer to determine if it is reasonably possible that management activities on or adjacent to the area of the landslide could have materially contributed to causing such landslide. If either Service or Simpson concludes that it is reasonably possible that management activities materially contributed to the occurrence of such a landslide,

S6-180

Simpson, at its own expense, will retain a qualified geo-technical expert to analyze the slide and develop a written report. The report will include, at a minimum, an assessment of the factors likely to have caused the slide and any changes to management activities which had they been implemented on or adjacent to the area of the slide would have likely prevented the slide from occurring. Upon receipt of such a report, Simpson will forward the report to the Services. Where appropriate, the recommendations set forth in the report may form the basis for adaptive management changes to the SSS measures.

6.2.9.7 New Listing 0f Species that are Not Covered Species

The preamble to the No Surprises rule states that the listing of a species as endangered or threatened could constitute a changed circumstance. Therefore, if a species is listed under the federal ESA subsequent to the effective date of the Permits, and that species (i) is not a Covered Species, and (ii) is affected by the Covered Activities, such listing will constitute a changed circumstance. Where a new listing that constitutes a changed circumstance occurs, Simpson will follow the procedures set forth in the IA.

6.2.10 Measures for Unforeseen Circumstances

All other changes in circumstances affecting a Covered Species or its habitat in the Plan Area that are not designated changed circumstances in Section 6.2.9.1 are considered not reasonably foreseeable in the context of this Plan. For purposes of this Plan such changes, including those described in Section 6.2.9.1 as such, are Unforeseen Circumstances. In the event that Unforeseen Circumstances occur, modifications to the Plan will be made only in accordance with the procedures set forth in the IA.

Tribal Organizations: T

Letter - T1. Signatory -Yurok Tribe.

YUROK TRIBE

November 18, 2002

Ms. Amedee Brickey
United States Fish & Wildlife Service
1655 Heindon Rd.
Arcata, CA 95521

Mr. James Bond
National Marine Fisheries Service
1655 Heindon Rd.
Arcata, CA 95521

Re: Simpson Resource Company Aquatic Habitat Conservation Plan/Candidate Conservation Agreement with Assurances and Draft Environmental Impact Statement, Del Norte and Humboldt Counties, California

Ms. Brickey and Mr. Bond:

Enclosed are the Yurok Tribal Fisheries Program's comments on Simpson Resource Company's draft "Aquatic Habitat Conservation Plan and Candidate Conservation Agreement with Assurances" (HCP). While YTFP's comments pertain in part to all Simpson land holdings identified in this document, our comments are directed toward their holdings within the Lower Klamath sub-basin. This includes all Simpson property within the Coastal Klamath, Interior Klamath, and Blue Creek Hydrographic Planning Areas (HPA's) identified in the HCP. Simpson presently owns 87% of the Lower Klamath sub-basin (excluding of the Federally owned portions of Blue Creek) and manages this property exclusively for commercial timber production. The Lower Klamath contains a substantial portion of the remaining coho salmon habitat in the Klamath Basin and thus it is imperative that the HCP be properly prepared so it meets the goals of the Endangered Species Act.

Background

The Yurok Tribe has subsisted on the anadromous fish populations of the Klamath River drainage since time immemorial. Today, only a fraction of historic anadromous fish runs return to spawn in the Klamath River and its tributaries. The declining health and productivity of the Klamath River's anadromous fisheries is of great economic and cultural concern to the Yurok Tribe. Past timber harvest practices within the Lower Klamath sub-basin, many of which occurred prior to acquisition of the property by Simpson, have severely degraded aquatic and riparian habitat conditions throughout the Lower Klamath tributaries (Gale and Randolph 2000). Extensive road networks have been constructed on steep, naturally fragile terrain, resulting in chronic streambed sedimentation over the last 50 years.

Response to Comment T1-1

See response to Comment G10-54.

To proactively address this decline, the Tribe has initiated a large-scale, coordinated watershed restoration effort in the Lower Klamath sub-basin. This effort included the formation of the Lower Klamath Restoration Partnership (LKRP), composed of representatives of the Yurok Tribe Natural Resources Department, Simpson Resource Company, and the California State Coastal Conservancy. This Project Advisory Committee was formed in order to facilitate a coordinated approach to watershed restoration planning and to find innovative solutions to resource management issues between private landowners, Tribal interests, and public agencies.

It is the goal of the Yurok Tribe to restore aquatic habitat conditions within Lower Klamath River tributaries to a level that supports viable, self-sustaining populations of native salmonids. This goal will be accomplished through treatment of road networks and upslope sediment sources, improvement of instream and riparian habitats, and through interaction with public and private landowners to implement improved long-term land management practices in the sub-basin. Through our partnership with Simpson, the Yurok Tribe has undertaken extensive road decommissioning and riparian revegetation efforts throughout several Lower Klamath tributaries. In order for these long-term restoration efforts to be successful, it is imperative that these efforts continue into the foreseeable future. It is also essential that future land management activities within the sub-basin do not further exacerbate the problems brought about by the management activities of the past 60 years.

Specific Comments on the HCP

T1-1 It is unclear how this plan would meet presently unidentified recovery objectives for the Southern Oregon-Northern Coastal California coho ESU, especially since recovery goals and a species recovery plan have yet to be prepared. It is recommended that the HCP remain adequately amendable to allow for inclusion of these recovery goals and plan once they are completed. This would include the ability to modify the HCP's Conservation Program to ensure that it is designed to reach these goals.

- **Riparian Management Measures (section 6.2.1)**

The riparian corridor serves a critical role in the function of an aquatic system, interfacing the actual stream channel with the terrestrial environment. Riparian vegetation is essential for the stabilization and protection of streambanks, as a source of LWD for salmonid habitat formation, for filtering sediment and nutrients, and for producing shade and instream fish cover, habitat for terrestrial macroinvertebrates, and as a source of leaf litter energy input.

The riparian canopy with the Lower Klamath tributaries was historically composed almost exclusively of large, mature coniferous trees. Intensive riparian logging activities over the past 60 years have resulted in the near-complete removal of conifers from lower Klamath riparian areas, with the current riparian canopy being composed almost exclusively of deciduous tree species (primarily alder) (Gale and Randolph 2000). In addition, extensive in-channel log harvesting and skidding, in conjunction with agency-mandated "stream clearance" activities, resulted in widespread loss of large woody debris (LWD) and associated habitat throughout the Lower Klamath sub-basin.

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Response to Comment T1-2

See response to Comment R1-51 and Master Response 18.

The selection of specific prescriptions, including whether to include a no-cut buffer, is a matter of the Permit applicant's discretion. HCP Handbook at 3-19. The Services' role in designing the conservation program is to "be prepared to advise." HCP Handbook at 3-6 and 3-7. Green Diamond has elected not to include a no-cut buffer as a prescription in the Operating Conservation Program (AHCP/CCAA Section 6.2). The Services believe that the Plan, including the Operating Conservation Program's riparian measures, satisfy the ESA Permit issuance criteria discussed in Master Response 8. However, as a practical matter, we note that implementing the Class I RMZ conservation measures on the streams reaches of concern in the Lower Klamath region would result, in effect, in no-cut zones.

Based on YTFP habitat typing conducted in 1996-1997, conifers comprise less then one third of the riparian canopy in lower Klamath tributaries (USFS portions of Blue Creek excluded), with conifers constituting <15% of the riparian canopy in the majority of these tributaries (Gale and Randolph 2002). In addition, YTFP inventories indicate that large woody debris identified in Lower Klamath tributaries as potentially recruitable to stream channels consist predominantly of live deciduous trees less then two feet in diameter. Live conifers, on the other hand, comprise on average less then 25% of the potentially recruitable LWD, with only a small fraction of these conifers presently being greater than one foot in diameter. In contrast, USFS portions of Blue Creek contain riparian canopies where live conifers comprise between 27-77% of the total canopy and represent 40-70% of the potentially recruitable LWD.

Alders are a poor substitute for conifers in regard to stabilizing streambanks, maintaining channel stability, and for providing long-term habitat formation and fish cover once they enter the stream as LWD. As a result, it is imperative that all measures be taken to restore the natural riparian composition found elsewhere in unmanaged portions of the lower basin if a properly functioning riparian corridor is to be reestablished. Addressing the unnatural lack of conifers in Lower Klamath riparian zones is a priority activity in the Lower Klamath Sub-basin Watershed Restoration Plan (Gale and Randolph 2002). In order to address this problem, YTFP and the California Conservation Corps (CCC) have undertaken extensive conifer planting and release activities within several Lower Klamath tributaries. Such restoration efforts, however, will only lead to improved riparian conditions over a long-term period, and riparian restoration goals will only be achieved if timber harvesting activities are conducted in such a way that it does not disturb riparian corridors or extract remnant conifers from within these areas.

T1-2

Within section 6.2.1.1 of the HCP, Simpson is specifying a 150-foot stream buffer along class I watercourses. This barrier would consist of an inner and outer zone, with varying levels of overstory retention specified for each area. Given the current alder-dominated state of Lower Klamath riparian areas, the use of overstory retention as a measure for determining allowable riparian timber harvest will not adequately protect remnant conifers. The retention and protection of these conifers is critical toward meeting the riparian restoration goals within the sub-basin. Simpson has attempted to address YTFP's concerns by adding "Conifer Density Requirements" (section 6.2.1.2.3), which specifically state:

"*If the inner zone is predominantly composed of hardwoods (it contains less then 15 conifer stems per acre that are greater than 16 inches dbh), Simpson will take no conifers from the inner zone.*"

YTFP appreciates Simpson's willingness to address our concerns but we remain uncertain on the validity of this minimum density figure and it's likelihood to adequately protect and allow regeneration of riparian conifers within the Lower Klamath tributaries. Such a minimum conifer density figure should be based on valid research identifying adequate riparian conifer density levels to support proper riparian function and long-term LWD supply in an area geologically and climatically similar to the Lower Klamath. Given the poor condition and near complete lack of conifers within Lower Klamath

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Response to Comment T1-3

See Master Response 18, regarding riparian widths, and response to Comment T1-2, regarding "no cut" zones.

Response to Comment T1-4

Until hillslope evaluations are conducted in the field through the SSS Delineation Study (see AHCP/CCAA Section 6.2.5.3.2 and AHCP/CCAA Appendix D, Section 3.3), the Services cannot determine precisely how much of the Lower Klamath riparian areas would be eligible for the SSS prescriptions. Regarding "no-cut" zones, see the response to Comment T1-2. With regard to measuring SSS distances along slopes or horizontally from a watercourse, the Plan uses an empirical data set as the basis for the SSS conservation measures that utilized slope length measurements. Therefore, the Plan analysis was performed and presented in terms of slope length and the conservation measures are necessarily expressed in slope length. Because the Services believe that the Plan, including the Operating Conservation Program's SSS measures, satisfies the ESA Permit issuance criteria discussed in Master Response 8, there no basis upon which to change to horizontal measurements in this case.

Response to Comment T1-5

See Master Response 5. Regarding the suggestion to include a "no cut" zone, see the response to Comment T1-2.

T1-2 riparian areas, a much more simple and prudent option for not hindering riparian restoration efforts in this area would be to implement no-cut buffers along all class I watercourses, as well as any class II and III watercourses that could potentially deliver LWD to downstream class I stream reaches.

T1-3 YTFP is also concerned about the adequacy of the proposed 150-foot buffers. YTFP feels that a minimum stream buffer width equal to or exceeding one mature conifer height is necessary for the proper protection and long-term restoration of Lower Klamath riparian canopies. YTFP defines the height of "one mature conifer" as being the average height of the conifer species that historically dominated the specific drainage. As a result this buffer width would be greater for "redwood" streams and less for "Douglas fir" streams. Again, YTFP feels that it is essential that these stream buffers be "no-cut" buffers and that the buffer widths be horizontally measured, thus accounting for varying hillslope gradients.

T1-4 Simpson also has proposed riparian management measures for areas with "steep streamside slopes" (SSS). Within the Coastal Klamath and Blue Creek HPA's, this includes provisions for no timber harvest within the 150-foot (slope distance) riparian management zones (RMZ's) on streams with streamside slopes in excess of 70% gradient (section 6.2.2.1). Within the Interior Klamath HPA, this no harvest provision would only be applied to the inner 70 feet of the RMZ, while the remaining outer 80 feet would have an 85% overstory retention provision. YTFP is pleased to see that Simpson is attempting to address erosional concerns related with timber harvesting on the steep terrain within the Lower Klamath sub-basin. While this provision may provide additional protection for riparian corridors in SSS areas, no data could be found to specify how much of the Lower Klamath riparian areas would fall under such protection. The designation of no-cut riparian buffers of adequate width would provide the much-needed riparian protection throughout all of the Lower Klamath tributaries, including those found in SSS areas. By designating buffer width on a horizontally measured basis, buffers would provide increasingly more protection on areas with steep streamside slopes, thus more properly protecting these areas as well.

T1-5 Simpson also provides provisions for riparian conifer harvest/retention based on "likely to recruit" factors (section 6.2.1.2.4):

"*Simpson will harvest no trees within the RMZ that are judged by Simpson to be 'likely to recruit to the watercourse.' Such judgment will be based on one or more of the factors listed in 6.2.1.2.5 and 6.2.1.2.6*"

YTFP believes that this provision is too subjective to be used as a means to protect potentially recruitable LWD. Natural processes such as windthrow cannot be reliably predicted, thus leading to the likely potential that trees will be improperly classified and a potentially recruitable tree is marked for harvest. There also is no adequate provision for oversight in these determinations either by Simpson's aquatic staff or by outside agency personnel. Once a tree has been harvested, there is likely no effective means to validate the designation that the tree was "not likely to recruit". Once again, a no-cut buffer will

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Response to Comment T1-8

The Plan calls for Green Diamond to provide a total of $37.5 million (to be inflation adjusted in 2002 dollars for each year of the acceleration period) during the first 15 years of the Permits' 50-year term to treat high and moderate priority road-related sediment sites. An average of $2.5 million will be provided each year and at least $7.5 million will be provided during the first three years. Some money could be provided through the cooperative programs Green Diamond has with other parties such as the Yurok Indian tribes, to the extent that governing laws, regulations, and policies allow these funds to be used as mitigation under an ESA Permit. Implementation of the Plan is not expected to interfere with existing partnerships, but will perhaps supplement other efforts and allow existing partnerships to continue and proliferate.

AHCP/CCAA Sections 6.2.3.2.1 and 6.3.3.2.5 discuss the mechanisms to be used and the prioritization approach that will be employed to allocate funds between THP and non-THP road work. Green Diamond's current road costs associated with the normal THP process have not been disclosed. However, Green Diamond estimates that $1 million of the $2.5 million that would be used to treat high- and moderate-risk sites in the road implementation plan will be spent on roads associated with THPs. Based on the current estimate of 6,436,000 cubic yards of sediment requiring treatment, $2.5 million per year for 15 years would result in 48 percent of the overall volume being treated in the first 15 years of the AHCP/CCAA (see EIS Figure 4.2-1), as opposed to only 19 percent without the Plan. Green Diamond has committed to treating all high- and moderate- risk sites in the Plan Area by the end of the 50-year term of the Permits.

T1-5 eliminate the need for such subjective decisions, greatly increasing the likelihood that the buffers will adequately protect the riparian corridor.

- **Road Management Measures (section 6.2.3)**

YTFP is pleased to see provisions in the HCP to address wintertime road use. In particular, Simpson has agreed to only conduct hauling and loading activities during winter months on rocked road surfaces (section 6.2.3.11.2). In addition, Simpson has agreed to not use landings located within RMZs during winter months (section 6.2.3.11.5), as well as eliminating ground-based yarding (tractor skidding) during the wet season (section 6.2.4.5.1).

Treatment of road networks and upslope sediment sources is the top priority restoration activity within the Lower Klamath sub-basin. The Yurok Tribe has undertaken an extensive road decommissioning program in an effort to meet the sediment reduction goals identified in the Lower Klamath Sub-basin Watershed Restoration Plan (Restoration Plan) (Gale and Randolph 2000). This upslope restoration effort, implemented under the oversight of the LKRP and following the watershed prioritization detailed in the Restoration Plan, has resulted to date in the decommissioning of several miles of Simpson logging roads with high sediment yield potential.

The Yurok Tribe is very pleased with the restoration partnership it has developed with Simpson, including their willingness to redesign road networks to meet their future management needs while setting aside the majority of legacy roads with high sediment yield potential for future decommissioning. We also appreciate the progress Simpson has made in upgrading haul road networks in the McGarvey and Blue Creek drainages to significantly reduce erosion potential associated with these roads, as well as their commitment to continue these activities in the remaining Lower Klamath tributaries. YTFP is also happy to see that Simpson chose in the HCP to specifically utilize the watershed prioritization matrix detailed in the Restoration plan (Gale and Randolph 2000) to prioritize road-related sediment work. Only through this collaborative and coordinated approach of Tribal decommissioning efforts and Simpson's willingness to streamline and upgrade their road networks will the Restoration Plan's sediment reduction goals be reached.

T1-8 Given the large area of the sub-basin and high density of logging roads present throughout the private ownership, it is expected to take several decades to properly treat all high and medium priority potential sediment sources. Based on identified treatment needs following upslope inventories in McGarvey and Ah Pah Creeks, the Yurok Tribal Watershed Restoration Department (YTWRD) has estimated that $37-42 million will be required to complete all necessary road-related sediment reduction work in the Lower Klamath tributaries (Jim Bond, personal communication).

Within the HCP, Simpson specifies that it will commit to an average of $2.5 million per year for 15 years (totaling $37.5 million) to implement the treatment of high and moderate priority sediment sites throughout their property covered under the Plan (section 6.2.3.2.1). This commitment does not specify, however, whether this is a firm commitment from Simpson itself or whether funds secured by outside parties to conduct

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Response to Comment T1-9

As discussed in response to Comment T1-2, the selection of the suite of prescriptions to propose, including whether to include a no-cut buffer, is a matter of the Permit applicant's discretion and the Services' role is to evaluate the adequacy of the Plan as a whole vis-à-vis the Permit issuance criteria. Green Diamond has elected not to include such a prescription in the suite of measures in Operating Conservation Program (AHCP/CCAA Section 6.2). Instead, Green Diamond included the LWD protection set forth in AHCP/CCAA Section 6.2.1.6.2 (for Class II watercourses) and section 6.2.1.7.5 (for Class III watercourses) and provisions to address changed and unforeseen circumstances regarding fire and windthrow. AHCP/CCAA Section 6.2.9.1 #2, regarding the prescriptions that apply in the event of changed circumstances relating to fire, considers LWD recruitment: "Salvage of trees downed or dead by fire must comply with State law. In addition, the conduct of any salvage operations within an RMZ or SMZ will be done with reasonable care to minimize soil erosion, to retain structural features that contribute to bank or slope stability, and to retain standing dead trees that will contribute to the recruitment of LWD to watercourses within the area affected by the fire." See also AHCP/CCAA Section 6.2.9.2 #2 regarding consideration of LWD in the event of changed circumstances relating to windthrow. The Services' role in preparation of the Operating Conservation Program, consistent with the guidance provided in the Services' HCP Handbook, was advisory - the Services' more important role in the process is to decide whether the ESA Permit issuance criteria, which are discussed in Master Response 8, are met. The Services believe that the Plan satisfies these criteria.

sediment treatment activities on Simpson's property will be included in this figure. Under such terms, state and federal agencies administering watershed restoration funds (primary source of funding for YTWRD road decommissioning activities) will no longer be able to fund outside entities such as YTWRD to conduct sediment treatment work on Simpson property since such funds may not be used to fund mitigations in a HCP. This is obviously of great concern to the Yurok Tribe, as we have invested tremendous energy and resources into establishing our restoration program and such a loss of funding would greatly curtail, if not end this program.

Since the $37.5 million commitment is to be applied across all of Simpson's covered ownership (the Lower Klamath holdings are 41% of the Initial Plan Area), this funding alone will not be sufficient to treat the high and medium priority sediment sites within the Lower Klamath sub-basin. If, however, the HCP specified that this is a firm commitment from Simpson, then outside funding sources would be able to fund entities such as YTWRD to conduct sediment treatment activities on Simpson property. This would resolve the conflict of using restoration funding for HCP mitigations, as Simpson would be committed to a firm amount under the plan and any additional funds secured from outside sources would be to complete work above and beyond that mitigated in the plan. This would likely result in a substantial amount of funding being available for Lower Klamath sediment treatment activities, above and beyond the monetary commitment from Simpson. Since the proposed $37.5 million (an unspecified percentage of which would be expended within the Lower Klamath) is insufficient to treat all of the priority sites within the sub-basin, this is the only means by which road-related sediment reduction goals in the Lower Klamath will be reached during the 50-year HCP period.

T1-8

- **Measures for Changed Circumstances (section 6.2.9)**

The HCP specifies measures to cover potential "changed circumstances", including fire, wind, earthquakes, floods, pest or pathogen infestation, landslides, and new species listings. This section specifies parameters to define when each circumstance is foreseen vs. unforeseen (sections 6.2.9.1 – 6.2.9.7). Foreseen circumstances are those that are likely to occur during the 50-year HCP period and supplemental prescriptions are described that would be implemented if such events occur.

In particular, this section specifies that fires or windthrow events are included within the "foreseen circumstances" that will lead to supplemental prescriptions providing increased opportunity for Simpson to harvest fire-damaged or downed conifers from riparian areas. Fire and windthrow are natural processes that play a role in LWD delivery to stream channels. Reestablishment of mature conifers as the dominant riparian component has been identified as a priority task in the Lower Klamath Sub-basin Restoration Plan (Gale and Randolph 2000). Salvaging trees damaged or killed by such processes will further detract from achieving the goal of reestablishing adequate supplies of LWD in Lower Klamath riparian zones. It is YTFP's belief that only no-cut riparian buffers of adequate size, together with intensive riparian restoration activities, will result in the successful achievement of this goal. This includes not harvesting trees or downed LWD simply because it was damaged or downed in the course of fire, windthrow or other natural processes.

T1-9

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Summary

The Yurok Tribe remains deeply concerned about the status and trends of Klamath Basin anadromous fish populations. Within the Lower Klamath Sub-Basin, the Tribe has undertaken a large-scale watershed restoration program in an effort to reverse aquatic and riparian habitat degradation trends resulting from 60 years of excessive land management activities. This has included entering into a cooperative partnership with Simpson and the State Coastal Conservancy to facilitate a coordinated approach to watershed restoration planning within the sub-basin. The Yurok Tribe has invested an extensive amount of time, energy and resources toward developing a credible and productive restoration program. This has included eight years of intensive watershed assessment and monitoring throughout the Lower Klamath tributaries, during which YTFP has become intimately familiar with the current watershed conditions and the past management activities that are the primary reason for the degraded conditions.

The Yurok Tribe is very pleased with the productive partnership it has developed with Simpson to date. This has included detailed coordination of upslope restoration and road upgrading activities, coordination of assessment and monitoring activities, as well as Simpson's substantial in-kind participation in the Tribe's Lower Klamath road decommissioning activities. This partnership is critical in order for Lower Klamath watershed restoration activities to successfully address degraded aquatic and riparian conditions in the sub-basin.

While the Tribe is optimistic that this well conceived and prioritized restoration strategy will result in improved habitat conditions, this can only occur when the restoration is implemented in conjunction with improved long-term land management practices in the sub-basin. It is imperative that this restoration program remains active into the foreseeable future and that future Lower Klamath land management activities do not further exacerbate the problems brought about by past management or otherwise hinder these restoration efforts.

Sincerely,

David C. Hillemeier

Dave Hillemeier
Yurok Fisheries Program Manager

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ATTACHMENT 2

Public Meeting Summary

Attachment 2

Public Meeting Summary

AHCP/CCAA Environmental Impact Statement for Green Diamond Resource Company

Prepared for

U.S. Fish and Wildlife Service
National Marine Fisheries Service

September 4, 2002

CH2MHILL

Introduction

On September 4, 2002, the National Marine Fisheries Service (NOAA Fisheries) and the U.S. Fish and Wildlife Service (USFWS) (collectively, the Services), hosted two public meetings to provide interested parties with an opportunity to receive additional information about the Green Diamond Resource Company (Green Diamond) Aquatic Species Habitat Conservation Plan (AHCP) and Candidate Conservation Agreement with Assurances (CCAA) and to provide comments on the project and the Draft Environmental Impact Statement (DEIS). Representatives from NOAA Fisheries, USFWS, and Green Diamond were available to discuss the AHCP/CCAA conservation strategy and the DEIS.

Advertisements were placed in local newspapers prior to the meeting date describing when and where each public meeting would be held. The two public meetings were held at the following location:

Wednesday, September 4, 2002
1:00-3:00 p.m. and 5:00-7:00 p.m.

Red Lion Inn
1929 4th Street
Eureka, California

Subsequent to introductions and a brief history of the AHCP/CCAA and summary of the associated environmental review process by the Services, representatives from Green Diamond described the key elements of the AHCP/CCAA conservation strategy. Members of the public in attendance at the meetings were then invited to ask questions or provide comments about the AHCP/CCAA and DEIS. Attendees were also encouraged to provide written comments on the DEIS before close of the public comment period. Approximately 30 people were in attendance at both meetings.

Summary of Scoping Comments

A total of 20 oral questions and comments were received from the two meetings held in Eureka. Specific questions and comments from those attending the meetings, plus the corresponding responses provided by the Services and Green Diamond, are listed in Table 1.

TABLE 1
Green Diamond AHCP/CCAA DEIS Public Meeting Comments Matrix

Commenter	Question/Comment	Response to Question/Comment Given at the Public Meeting
Jimmy Smith, Humboldt County Supervisor	Supports agency/private company partnerships exemplified by the Green Diamond AHCP/CCAA. Applauds Green Diamond's commitments contained in the AHCP/CCAA.	No response.
Ken Moore, California Department of Fish and Game	How is document affected by state listing of coho in the region?	This will depend, in part, on the measures the California Fish and Game Commission decides to implement after the 90-day review period for state listing of the coho. If the state eventually adopts a conservation standard or measure that is substantially different from the Green Diamond measures, Green Diamond may opt to modify its document to conform to the Commission's standard. It should be noted that Green Diamond has applied for a federal ITP only; the company is still obligated to adhere to state rules and regulations that fall outside the Green Diamond AHCP/CCAA. (Joe Blum from NOAA Fisheries; John Engbring from USFWS)
Ken Moore, California Department of Fish and Game	How do the conservation measures line up against the threatened and impaired watershed standards of the forest practice rules?	In general, the AHCP/CCAA measures are more robust and at least the same or better than the CFPRs. Canopy retention is generally higher. The Plan conservation measures are applied throughout entire watersheds, and not just on a THP-by-THP basis. The CFPRs focus more on Class I waters; AHCP/CCAA measures focus on other watercourse classifications and geological instability. (Neal Ewald and Tharon O'Dell from Green Diamond)
Denver Nelson	Why is the green sturgeon not included in the Plan? Do streamside restrictions apply to the Klamath River?	Sturgeon is not listed or proposed for listing under the Endangered Species Act and, therefore, is not included as a covered species. (Joe Blum from NOAA Fisheries) Stream protection buffers will apply to Action Area lands within the Klamath River region. (Tharon O'Dell from Green Diamond)
Denver Nelson	How does the Plan address problems encountered in the upper Klamath River basin?	The Green Diamond Plan only applies to the Green Diamond ownership and operation area (over time). It is not Green Diamond's responsibility to address problems/issues that occur outside of its ownership; the Services, on the other hand, will continue to explore regulatory/planning solutions on a regional basis. (John Engbring from USFWS)

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Green Diamond AHCP/CCAA DEIS Public Meeting Comments Matrix

Commenter	Question/Comment	Response to Question/Comment Given at the Public Meeting
Gayle Garman California Department of Fish and Game	How does the Adaptive Management Reserve Account (AMRA) work? How will it apply to road management measures and how was the opening balance established?	The account works as a clearinghouse. Green Diamond will test the validity of the measures over time in selected, experimental watersheds. The results will dictate the need to adjust or change specific conservation measures as necessary. (Neal Ewald from Green Diamond) The opening balance of the AMRA (1,150 Fully Stocked Acres [FSA]) was determined based on the amount required to address risks associated with management prescriptions for the SMZs, which Green Diamond estimates will include approximately 8,850 FSA. Approximately 65 percent of the conifer volume in these areas will be harvested on an uneven-aged basis, leaving approximately 35 percent of the volume (or 3,100 FSA) to be retained within SMZs to produce conservation benefits as the AHCP/CCAA is implemented over time. In order to minimize the risk of potentially underestimating the protection needs of SMZs, Green Diamond further reduced this number by 50 percent, or 1,150 FSA. Depletion of the AMRA balance by translating FSA to funds for road prescriptions is limited to 2 percent per year of the opening balance (i.e., the equivalent of 31 FSA). (Tharon O'Dell from Green Diamond)
Brenda Peterson	What will happen at the end of the 50-year period?	Hopefully, the species will no longer be listed in 50 years. It is Green Diamond's desire, if appropriate, to roll the AHCP/CCAA over after the 50-year term of the permits. (Neal Ewald from Green Diamond)
Brenda Peterson	If the Plan is approved, what additional hurdles associated with Plan implementation are anticipated?	The aggressive schedule associated with the Road Management Plan is one of the biggest hurdles. One question from the Services perspective is whether the initial soil sediment estimates for road problem areas are accurate? Green Diamond has committed to being within five percent of the soil sediment estimates noted in the Plan; if refined estimates are greater or less than the original estimates, funding commitments per year for treatment of high and moderate priority road treatment sites will be proportionately increased or reduced. (Tharon O'Dell from Green Diamond) Also, from the Services' perspective, maintaining staffing and funding levels to allow continued review of monitoring results and coordination with Green Diamond is another hurdle. (John Engbring from USFWS)

TABLE 1
Green Diamond AHCP/CCAA DEIS Public Meeting Comments Matrix

Commenter	Question/Comment	Response to Question/Comment Given at the Public Meeting
Brenda Peterson	What effect will the Plan have on Green Diamond staffing?	Green Diamond plans to hire additional personnel to assist with implementation requirements of the AHCP/CCAA. (Neal Ewald from Green Diamond)
Melvin McKinney	Why is the plan have a permit term of 50 years, and not 20 years?	50 years coincides with the timber harvest rotation on Green Diamond lands in California, plus 20 years does not provide adequate time to implement an effective adaptive monitoring program and to assess the adequacy of the conservation measures. (John Engbring from USFWS; Tharon O'Dell from Green Diamond)
Bob Depeirna, Environmental Protection Information Center (EPIC)	Is there a compliance monitoring component of the Plan? How will the amount of take be tracked, as in Green Diamond's spotted owl HCP?	There is a compliance monitoring component. There is no quantitative metric for assessing take in this Plan as was possible for the spotted owl HCP. General population levels and trends will be monitored during the permit term. If population levels decrease over time, there may be a need to reassess effectiveness of the measures. The intent of this Plan, from Green Diamond's perspective, is not to take the covered species. (Tharon O'Dell and Lowell Diller from Green Diamond)
Bob Depeirna, Environmental Protection Information Center (EPIC)	Is there a draft Section 7 consultation report available for review by the public?	No. Drafts of Section 7 consultation reports are generally not available for public review or comment. (John Engbring from USFWS)
Jennifer Cult, Northern California Basket Weavers Project	Commenter expressed concern about the lack of attention to herbicide use and application in the Plan.	Herbicide application is not a covered activity under the Plan. If take occurs as a result of herbicide application, Green Diamond may be liable for take. (Joe Blum from NOAA Fisheries; John Engbring from USFWS)
Susan Burdick, Northern California Basket Weavers Project	Commenter expressed concern about even-aged logging and associated impacts to plants and streams, especially chemical impacts.	Comment noted.
Susan Burdick, Northern California Basket Weavers Project	Commenter expressed concern about the need to retain stands of tanoak subsequent to timber harvesting.	Comment noted.

TABLE 1
Green Diamond AHCP/CCAA DEIS Public Meeting Comments Matrix

Commenter	Question/Comment	Response to Question/Comment Given at the Public Meeting
Diane Beck, Sierra Club	Is herbicide use a covered activity under the Plan?	Herbicide application is not a covered activity under the Plan. If take occurs as a result of herbicide application, Green Diamond may be liable for take. (Joe Blum from NOAA Fisheries)
Diane Beck, Sierra Club	Why isn't herbicide use a covered activity?	A review of the issue suggested resolution would be too complex for timely consideration under this Plan. (Joe Blum from NOAA Fisheries and John Engbring from USFWS)
Diane Beck, Sierra Club	Is the approach with the Green Diamond HCP similar to Pacific Lumber's approach?	Green Diamond's approach is specific to the uniqueness of Green Diamond's ownership and the Plan's conservation measures are tailored to the unique conditions of the property. The same is true for Pacific Lumber's HCP, as well as HCPs prepared for other ownerships. The approaches are, therefore, different. (John Engbring from USFWS)
David Jansen	Will the HPAs be separate management units?	Slightly different management applications are specified for some, but not all, HPAs. Substrate in streams is highly dependent on the geology of the region; certain species are closely associated with these geologic differences. But the conservation measures will be modified as monitoring and adaptive management is initiated. It is anticipated that differentiation of measures by HPA will become more pronounced over time as monitoring results are assessed. (Tharon O'Dell from Green Diamond)
Tim McCay Northcoast Environmental Center	What is the linkage between Green Diamond's northern spotted owl HCP and the aquatic HCP?	Both HCPs are independent permitting activities. Riparian conservation measures were included as design features of the spotted owl HCP, since the research at the time suggested owls inhabited the lower third of watersheds. These measures also assisted in protection of aquatic resources. Conversely, conservation measures contained in the aquatic-species HCP probably benefit the spotted owl. (Tharon O'Dell from Green Diamond)